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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,216	12/15/2003	Steven Leo Sullivan		8748

22191 7590 05/12/2005

GREENBERG-TRAURIG
1750 TYSONS BOULEVARD, 12TH FLOOR
MCLEAN, VA 22102

EXAMINER

HOLZEN, STEPHEN A

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/734,216

12/15/2003

SULLIVAN
STEVEN

71474.010200

EXAMINER

Holzen, Steve

ART UNIT

PAPER

3644

20050411

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Commissioner for Patents

see attached "Detailed Action".

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DETAILED ACTION

Response to Amendment

1. The reply filed on 2/9/2005 is not fully responsive to the prior Office Action. See 37 CFR 1.111. The applicant has cancelled all the claims to the originally elected and acted on inventions, Group I, (an integrated disk type wheel hub motor/generator and electromagnetic bushing metal claims 1-21) and, presented only claims to a new non-elected invention, Group II, (an aircraft landing gear assembly, claims 22-42).

2. Group I can be construed as a subcombination and Group II as a combination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) a that the subcombination has utility by itself or in other combination (MPEP 806,05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed; see of all of the limitations recited in original claim 1. The subcombination has separate utility such as for use in trains.

3. Groups I and II can also be construed as process and apparatus for its practice. These inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process (MPEP 806.05(e)). In this case, the apparatus as claimed can be used to practice

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another and materially different process such as a process wherein each stator disk is actuated or operated independently of all other stator disks or a process wherein the air gap between the stator and rotor sections is not adjusted.

4. Since applicant has received an action on the merits of said originally presented invention of Group I (claims 1-21), said originally presented invention has been constructively elected by original presentation for prosecution on the merits.

5. Since the 2/9/05 amendment has cancelled all the claims (claims 1-21), to the originally presented and prosecuted invention of Group I, and presented only claims to a new non-elected invention, said 2/9/2005 amendment is held non-responsive.

6. Applicant must re-insert claims to the originally presented invention to be responsive.

7. However, if applicant instead desires to have the Office do an examination of the newly presented but non-elected invention of claims 22-42, such could be accomplished by the appropriate filing of a divisional application.

8. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid

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abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 571-272-6903. The examiner can normally be reached on M-F 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harvey E. Behrend can be reached on 571-272-6871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sah



PETER M. POON
SUPERVISORY PATENT EXAMINER

4/18/05